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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,207	11/30/2000	Dimitri P. Zafiroglu	RD8120USNA	2829
23906 7590 01/38/2184				
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805				
EXAMINER GHOFF II, JOHN L.				
ART UNIT 1733		PAPER NUMBER		

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

ART UNIT

PAPER

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Commissioner for Patents

The reply filed on 11/4/03 is not fully responsive to the prior Office Action because: As previously noted, the only claims remaining are directed to a non-elected species, i.e. applying binder to a backing before stitching. The original claims were directed to a different species, i.e. applying binder to a stitched backing. The original claims were examined in a previous office action and as such the species examined was elected by original presentation. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Applicant argues "One can know the 'vicinity' of a member without the member being present. All that is required is knowledge regarding the member's eventual location. This knowledge is sufficient to specify the locality in which an additional feature is to be provided. For example, in new housing subdivision under construction, a contractor can locate a mailbox 'in the vicinity' of a new dwelling before construction of the dwelling is physically begun. As long as the footprint of the dwelling on the lot is known, a location for the mailbox 'in the vicinity' of the dwelling is ascertainable." It is noted the claim prior to amendment required "applying a thermoplastic binder material having a predetermined melting point in the vicinity of the root portion of the loops". This limitation does not disclose anything as to the eventual location of the root portion of the loops (i.e. the limitation does not require applying a thermoplastic binder material having a predetermined melting point "to the backing" in the vicinity of the root portion of "subsequently formed" loops) such that one of ordinary skill in the art would look to the vicinity of the root portion of "existing" loops for binder application. It is further noted there is no step of forming the pile loops such that it is unclear how the process of claim 1 could be performed without supplying a stitched backing.

Applicant further notes "At least Figures 2A through 2C the step of binder application (reference character 26) occurs before the stitching step (reference character 32) is performed. Figure 2E illustrates the opposite situation." The examiner agrees that both embodiments are supported in the specification.

John L. Goff
571-272-1216

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